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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,796

08/03/2004

Kevin Koch

43576.830008US1

4795

26582 7590 04/16/2009
HOLLAND & HART, LLP
P.O BOX 8749
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EXAMINER

DEBROW, JAMES J

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

04/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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10710796	8/3/2004	KOCH ET AL.	43576.830008US1

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EXAMINER

JAMES J. DEBROW

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2176	20090410
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Commissioner for Patents

In response to the order of Board of Patent Appeals and Interference dated 26 Feb. 2009, Appellant has corrected the error mentioned therein regarding cancelled claim 20.

Regarding section 9, Grounds of Rejection, of the Examiner's Answer, the Examiner notes that a typographical error was inadvertently made in the header of the 35 USC 102 claim rejections, in which cancelled claim 20 was included within the header of the rejection. However cancelled claim 20 is not considered within the actual rejection. The Examiner has made note of this typographical error as to avoid any confusion that may or may not occur to the Honorable Board of Patent Appeals and Interference.

The Examiner's also notes that Appellant has amended the previously submitted arguments (Appeal Brief dated 1/3/2008) (see pages 6-7 of current Appeal Brief) in response to the Examiner's previous response to arguments (Examiner Answer dated 4/11/2008) of the previously submitted Appeal Brief. However the Examiner notes that Appellant's amended remarks/arguments are irrelevant as to what is "recited"/"claimed" in the limitation. Therefore the Examiner is not persuaded to change his previous position concerning the rejection.